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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,542	01/29/2001	Hideo Okano	01045\LH	9601
1933	7590	08/06/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			JACKSON, JAKJEDA R	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/771,542	OKANO, HIDEO
	Examiner	Art Unit
	Jakieda R Jackson	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 May 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 January 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed November 24, 2003, applicant submitted an Amendment filed on May 21, 2004, in which the applicant amends claims 1-2 and 4-9 and add claims 10-11.

Response to Arguments

2. Regarding amended claim 1, applicant argues that the header information storage means of Kato's (which is the header itself) is different from the data table of the present claimed invention, which stored header information to be selectively added to the voice data. The Authoritative Dictionary of IEEE Standards terms states several definition of a table and definition 1(B) states that it is a collection of data in which each item is uniquely identified by a label, by its position relative to the other items, or by some other means, which is disclosed in Kato (figure3).

Applicant also argues regarding the changing means, taught in Kato (column 6, lines 60-67), that the CPU of Kato is included in a system and as a result is not an external apparatus of the disc apparatus. Applicant argues that the dependent claims 2-4 are patentable over the references cited.

Regarding amended claim 5, applicant argues that the CPU of Kato does not correspond to an information processing apparatus connectable to a plurality of data recording and reproducing apparatuses for digitizing and recording input signals in a recording medium. The CPU of Kato is part of a data recording and

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reproducing apparatus for digitizing input signals and recording them in a recording medium, and is different from an information processing apparatus to which the data recording and reproducing apparatus can be connected. That is that the references cited does not disclose, teach or suggest, *inter alia*, the identification acquisition means for acquiring an information code of the data recording and reproducing apparatuses connected to the information processing apparatus. Applicant argues that the dependent claims 5-6 are patentable over the references cited

Applicant argues that claims 8 and 9 are recording mediums corresponding to claims 5 and 6 and are patentable over cited references for reasons, *inter alia*, set forth above in connection with claims 5 and 6.

However, Applicant's arguments filed on May 21, 2004 have been fully considered but they are not persuasive as to the Kato and Kurano et al. references as applied to the rejections of claims 1-4 and 7 under (102 and/or 103).

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection under the Terui et al., Higuchi et al. and Kato reference(s). See the rejection below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 4 and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (U.S. Patent No. 5,974,005).

Regarding **claim 1**, Kato discloses a voice recording and reproducing apparatus (figure 1; column 1, lines 24-35), comprising:

conversion means (analog-to-digital converter; figure 2, element 29) for converting inputted voice signals into digitized voice data (column 5, lines 8-9);

a data table (figure 3) for storing information to be added to the voice data as header information; (head portion; column 5, lines 29-38)

recording means (recording means; figure 1, lower element 14) for adding header information stored in the data table (figure 3) to said voice data converted by said conversion means and for recording said voice data in voice data recording means (column 3, lines 44-56); and

changing means (editing operations; column 6, lines 60-67) for communicating with an external apparatus (CPU; column 4, line 52) connected

to the voice recording and reproducing apparatus and for changing header information stored in the data table (figure 3) based upon information sent from the external apparatus (column 6, lines 60-67).

Regarding **claim 2**, Kato discloses the apparatus wherein the data table is a rewritable nonvolatile storage medium (RAM; column 4, lines 34-35 and 51-53); and

said changing means rewrites header information stored in the data table as header information sent from said external apparatus (column 5, lines 26-38 with figure 2, element 23).

Regarding **claims 4 and 7**, Kato discloses the apparatus wherein said changing means can change data displayed on a display portion of the voice recording and reproducing apparatus (display unit; figure 2, element 24).

5. **An alternate rejection for claims 1 and 3-4** are rejected under 35 U.S.C. 102(b) as being anticipated by Terui et al. (U.S. Patent No. 5,903,871), hereinafter referenced as Terui.

Regarding **claim 1**, Terui discloses a voice recording and reproducing apparatus (figure 1; column 1, lines 7-11), comprising:
conversion means (A/D converter; figure 1, element 4 with figure 6, element 34) for converting inputted voice signals into digitized voice data (column 1, lines 7-11 and column 9, lines 5-6);

a data table (figure 3 and figure 14) for storing information to be added to the voice data as header information; (column 5, lines 56-63 with column 10, lines 45-50)

recording means (recording medium; figure 1, element 10) for adding header information stored in the data table (figures 3 and 14) to said voice data converted by said conversion means (A/D converter; column 3, lines 26-31) and for recording said voice data in voice data recording means (column 5, lines 8-13); and

changing means (controlling operation; column 3, lines 44-47) for communicating with an external apparatus (CPU; figure 1, element 8) connected to the voice recording and reproducing apparatus (figure 1, element 10) and for changing header information stored in the data table (figure 3 with figure 14) based upon information sent from the external apparatus (figure 1).

Regarding **claim 3**, Terui discloses a voice recording and reproducing apparatus wherein

said recording means includes a voice file creation means for creating a voice file from said voice data and said header information (abstract with column 9, line 14 and column 10, lines 45-50).

Regarding **claim 4**, Terui discloses the apparatus wherein
said changing means can change data displayed on a display portion of the voice recording and reproducing apparatus (column 6, lines 11-14 and column 8, lines 15-19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5-11** rejected under 35 U.S.C. 103(a) as being unpatentable over Terui et al. (U.S. Patent No. 5,903,871), hereinafter referenced as Terui in view of Higuchi et al. (U.S. Patent No. 6,516,135), hereinafter referenced as Higuchi.

Regarding **claims 5 and 8**, Terui discloses an information processing apparatus and recording medium comprising:

connection number allocation means for allocating a connection number (predetermined number assigned before starting) to each of the data recording and reproducing apparatuses which are connected to the information processing apparatus (column 1, lines 27-32 with column 7, lines 58-63);

identification code acquisition means (figure 13) for acquiring an identification code of the data recording and reproducing apparatuses connected to the information processing apparatus (column 5, lines 43-55 with figures 4 and 5);

storage means (RAM; figure 1, element 8a with column 6, lines 44-46) for storing each connection number allocated by the connection number means (column 1, lines 27-32 with column 7, lines 58-63) and the identification code

acquired by the identification code acquisition means (column 5, line 54 – column 6, line 17);

display means (LCD; figure 7, element 39a) for displaying at least one of the connection number and the identification code stored in the storage means (column 8, lines 15-19 and column 9, lines 35-37);

first selection means (selecting; column 9, lines 14-15) for selecting at least one of the connection number and the identification code displayed by the display means (column 11, lines 35-40);

second selection means for selecting a desired data (unique information) recording and reproducing apparatus based in the selection by the first selection means (column 3, lines 54-64); and

control means (main control circuit; figure 1, element 8) for carrying out controls so that at least one of a control program and control data of said data recording and reproducing apparatus selected by the second selection means may be changed (column 3, lines 44-52), but lacks disclosing a plurality of data recording and reproducing apparatuses that are connected.

Higuchi's discloses a plurality of data recording and reproducing apparatuses for digitizing and recording inputted signals in a recording medium that are connectable (column 6, lines 41-43), to access a plurality of other devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terui's invention such that it discloses a plurality of data recording and reproducing apparatuses that are

connected, to increase the speed of the system (column 6, lines 56-63) and satisfy compatibility of processed data of different formats (column 1, lines 46-50), which prevents deterioration.

Regarding **claims 6 and 9**, Terui discloses the apparatus and recording medium wherein when

recording inputted signals (column 1, lines 13-19) as digitized data (column 3, lines 13-14), said selected data recording and reproducing apparatus adds predetermined header information (predetermined index information) to said data in accordance with a data table stored in the data recording and reproducing apparatuses (column 3, lines 44-52 with column 10, lines 17-19); and

said control means carries out controls so that the data table (figure 3) may be changed (figure 12, element s49).

Regarding **claim 7**, it is interpreted and rejected for the same reasons as set forth in claim 4.

Regarding **claims 10 and 11**, Terui discloses the apparatus and recording medium wherein when changing the control data, the control means (control means) causes the identification code acquisition means to acquire the identification code of the desired data (unique information) recording and reproducing apparatus selected by the second selection means (column 3, line 44 – column 4, line 4), and the control means determines whether the acquired identification code of the desired data (index information) recording and reproducing apparatus is identical (identical) to the stored identification code of

the desired data recording and reproducing apparatus (file incorporated in the memory; column 16, lines 46-58).

8. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Terui in view of Kato (U.S. Patent No. 5,974,005).

Regarding **claim 2**, Terui in view of Higuchi discloses the apparatus wherein

the data table is a rewritable nonvolatile storage medium (column 4, lines 9-11 and 28-30), but lacks wherein said changing means rewrites header information stored in the data table as header information sent from said external apparatus.

Kato discloses the apparatus wherein
said changing means rewrites header information stored in the data table as header information sent from said external apparatus (column 5, lines 26-38 with figure 2, element 23), for indicating storage positions of digital data in the disc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terui's invention such said changing means rewrites header information stored in the data table as header information sent from said external apparatus, so that the data stored can be edited for any changes (column 2, lines 47-52).

9. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (U.S. Patent No. 5,974,005) in view of Kurano et al, hereinafter referenced as Kurano.

Regarding **claim 3**, Kato discloses a voice recording and reproducing apparatus but lacks having voice creation means.

Kurano discloses voice file creation means (figure 15 and 35) for creating a voice file (video file) from said voice data (audio data) and said header information (column 8, lines 47-50, column 14, line 17 – column 15, line 21 and column 25, lines 31-36), in order to store and retrieve voice data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it comprises voice file creation means, in order to store and retrieve voice data that has been recorded in order to selectively record voice in correspondence with the recording of the prescribed data.

-OR and alternate rejection-

10. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (U.S. Patent No. 5,974,005) in view of Terui et al. (U.S. Patent No. 5,903,871), hereinafter references as Terui.

Regarding **claim 3**, Kato discloses a voice recording and reproducing apparatus but lacks having voice creation means.

Terui discloses a voice recording and reproducing apparatus wherein said recording means includes a voice file creation means for creating a voice file from said voice data and said header information (abstract with column 9, line 14 and column 10, lines 45-50), to prevent confusion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it discloses having a voice creation means, to discriminate from other computer files, which prevents confusion (column 1, lines 43-45).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Okuyama et al. (U.S. Patent No. 6,118,871) discloses a device having a digital network system using such a device and a copy protection method.
- Iwamoto et al. (U.S. Patent No. 6,611,652) discloses a video data recording/reproducing system and device.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 703.305.5593. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703. 305.4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
July 26, 2004



W. R. YOUNG
PRIMARY EXAMINER